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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 U.S. EQUAL EMPLOYMENT
17 OPPORTUNITY COMMISSION,

18 Plaintiff,

19 v.

20 TESLA, INC.,

21 Defendant.

Case No. 3:23-cv-4984-JSC

**NOTICE OF MOTION AND
UNOPPOSED MOTION TO WITHDRAW
AS COUNSEL OF RECORD FOR
DEFENDANT TESLA, INC.;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

[Civ. L.R. 11-5]

Hearing Date: September 26, 2024
Time: 10:00 AM
Judge: Hon. Jacqueline S. Corley
Courtroom: 8

Complaint Filed: September 28, 2023

*[Declaration of Thomas E. Hill; and Proposed
Order filed concurrently herewith]*

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NOTICE OF MOTION AND UNOPPOSED MOTION

TO PLAINTIFF U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND ITS
ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 26, 2024, at 10:00 a.m., or as soon as the matter may be heard before the Honorable Jacqueline Scott Corley in Courtroom 8 of the United States District Court for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, California, Defendant Tesla, Inc. (“Tesla”) will and hereby does move the Court pursuant to Local Rule 11-5 for an order permitting its counsel of record Thomas E. Hill, Samuel J. Stone, Paul W. Matthias-Bennetch and Holland & Knight LLP to withdraw as counsel for Tesla in this action.

The Motion is unopposed and based on this Notice of Motion and Motion, the Memorandum of Points and Authorities in Support of the Motion, and the Declaration of Thomas E. Hill in support thereof. Reasonable notice has been provided Tesla and counsel of record for Plaintiff U.S. Equal Employment Opportunity Commission of counsel’s intent to withdraw from this case, and Tesla consents to the withdrawal and Plaintiff does not oppose the withdrawal. Counsel from Polsinelli LLP, Polsinelli PC, and Reed Smith LLP will continue to represent Tesla in this matter.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to Rule 11-5 of the Local Rules for the United States District Court for the Northern District of California, Defendant Tesla, Inc. (“Tesla”) and its counsel of record Thomas E. Hill, Samuel J. Stone, Paul W. Matthias-Bennetch and Holland & Knight LLP hereby request a Court order permitting Messrs. Hill, Stone and Matthias-Bennetch and Holland & Knight LLP (together, “Withdrawing Counsel”) to withdraw as counsel for Tesla in this action. Reasonable notice has been provided Tesla and counsel of record for Plaintiff U.S. Equal Employment Opportunity Commission of Withdrawing Counsel’s intent to withdraw from this case, and Tesla consents to the withdrawal and Plaintiff does not oppose the withdrawal. *See* Declaration of Thomas E. Hill, par. 5–6 (hereinafter “Hill Decl.).

II. ARGUMENT

This Motion to Withdraw is made on the following grounds:

- 1) In addition to Withdrawing Counsel, Tesla’s counsel of record in this case have included Sara A. Begley, Christina T. Tellado, and Mary T. Vu (all formerly of Holland & Knight LLP, and, as of August 5, 2024, all now with Polsinelli LLP; hereinafter together referred to as “Polsinelli Counsel”), and Raymond A. Cardozo and Tyree P. Jones, Jr. of Reed Smith LLP; hereinafter together referred to as “Reed Smith Counsel”). On August 9, 2024, Polsinelli Counsel made appearances as defense counsel for Tesla in this case. (ECF No. 60) Reed Smith Counsel have continued as counsel of record for Tesla without interruption since the inception of this case.
- 2) Tesla has been notified and consented to the withdrawal of Withdrawing Counsel from this action, and counsel of record for Plaintiff EEOC have received reasonable notice of Withdrawing Counsel’s intent to withdraw and expressed no opposition, all in compliance with Local Rule 11-5. *See* Hill Decl., par. 5–6.
- 3) No prejudice or inconvenience to any party will result from the Court’s granting this Motion because substantial continuity exists in Tesla’s counsel of record given the recent appearances of Polsinelli Counsel and the ongoing representation of Reed Smith Counsel. *See id.*

1 **III. CONCLUSION**

2 For all the foregoing reasons, Withdrawing Counsel therefore request that the Court issue
3 an order granting this Motion to Withdraw and remove Withdrawing Counsel from the Court's
4 service list in this action.

5 Respectfully submitted,

6 Dated: August 12, 2024

HOLLAND & KNIGHT LLP
Thomas E. Hill
Samuel J. Stone
Paul W. Matthias-Bennetch

9 By: /s/ Thomas E. Hill
10 Thomas E. Hill

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12 TESLA, INC.

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